

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

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WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No. 17674 OF 2005

Between:

Mattepalli Andalamma & Ors. ... Petitioners

Versus

The District Collector,

Visakhapatnam,

Visakhapatnam district. ... Respondents

Counsel for the Petitioner : Mr. M. VISWANADHAM

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

ORDER :

This writ petition is filed questioning the action of the respondents in trying to dispossess the petitioners from the land admeasuring Acs:4-00 situate in survey nos. 178/1 and 178/2 of Paradesipalem village, Visakhapatnam rural, chinagadili Mandal, Visakhapatnam district, as illegal, arbitrary, violative of Article 14 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners from the said property.

The case of the first petitioner is that he purchased the land in an extent of Ac:2-00 situate in survey no.178/2 situate at Paradesipalem village by virtue of a registered sale deed dated 05-5-1981 from Mr.Patnala Kameswara Rao and whereas the other petitioners have purchased the land admeasuring Acs:2-00 in survey no.178/1 situate at Paradesipalem village, Visakhapatnam Mandal from Mr.Killampalli Mankiyamma under registered sale deed dated 5-5-1981 under valuable sale consideration. Since more than 24 years, the petitioners are in continuous possession and enjoyment over the land in question.

While things stood thus, the officials of the second respondent came to the spot on 4-8-2003 and stated that the land in possession of the petitioners belongs to the Government and threatened that the petitioners would be dispossessed. Therefore, apprehending danger of dispossession from the aforesaid land, the petitioners have filed the present writ petition seeking direction to the respondents not to dispossess them from the aforesaid land.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to dispossess the petitioners from the land in an extent of Ac:2-00 situate in survey no.178/2 and Acs:2-00 in survey no.178/1 situate at Paradesipalem village, Visakhapatnam Mandal, which were purchased from Mr.Patnala Kameswara Rao and Mr.Killampalli Mankiyamma by virtue of registered sale deed dated 5-5-1981 for valuable sale consideration, without following due process of law. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioners over the said extent of land. However, it

is made clear that this order does not preclude the respondents from contemplating any action under the established principles of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. -----

I s L. ELIPE DHARMA RAO , J.